

Filed for intro on 02/02/95
House Bill _____
By _____

Senate No. SB0798
By Kyle

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 12; Title 39, Chapter 11, Part 1 and Title 40, Chapter 35, Part 1, relative to criminal street gang activities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-11-106(a), is amended by adding the following language as new appropriately numbered subdivisions:

() "Criminal street gang" means a formal or informal ongoing organization, association, or group of three (3) or more persons who:

(A) Have a common name or common identifying signs, colors, or symbols; and

(B) Have members or associates who, individually or collectively, engage in or have engaged in criminal activity.

() "Criminal street gang member" is a person who meets two (2) or more of the following criteria:

(A) Admits to membership in a criminal street gang;

(B) Is a youth under the age of twenty-one (21) years who is identified as a member of a criminal street gang by a parent or guardian;

(C) Is identified as a member of a criminal street gang by a documented reliable informant;

(D) Resides in or frequents a particular criminal street gang's area and adopts their style of dress, their use of hand signs, or their tattoos, and associates with identified members of a criminal street gang;

(E) Is identified as a member of a criminal street gang by an informant of previously untested reliability and such identification is corroborated by independent information;

(G) Is identified as a member of a criminal street gang by physical evidence such as photographs or other documentation;

(H) Has been stopped by law enforcement officers in the company of identified members of a criminal street gang four (4) or more times.

SECTION 2. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following language as a new, appropriately numbered subsection:

() The defendant was a criminal street gang member, as defined in Section 1 of this act, and the defendant committed the offense within three (3) years of a prior conviction for a felony offense.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effective with the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 1995, the public welfare requiring it, and shall apply to all persons committing offenses on or after such date.

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